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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON

5 PLUMBERS UNION LOCAL NO. 12
6 PENSION FUND, et al.,

7
8 Plaintiffs,

9 v.

10 AMBASSADOR'S GROUP, et al.,

11
12 Defendants.
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NO. CV-09-00214-JLQ

CLASS ACTION

**ORDER DENYING MOTION FOR
COURT ENDORSEMENT OF
PROTECTIVE ORDER**

15 BEFORE THE COURT is the Joint Motion to Approve Stipulated Protective Order
16 (ECF 134) and Motion for Expedited hearing thereon (ECF 136). The parties jointly
17 request the court to enter a protective order concerning the confidentiality of certain
18 discoverable information in this case. The parties, without court participation, have
19 agreed on an 18-page stipulated protective order (ECF 134-1) concerning the manner in
20 which they propose to treat information designated as "confidential". The parties are free
21 to so agree, and cooperation in discovery matters is encouraged by the court.

22 The parties proposal however is a "blanket" protective order which contains a
23 broad definition of "confidential." (ECF 134-1 ¶ 3). "Blanket" protective orders are by
24 their very nature overinclusive. See Foltz v. State Farm Ins. Co., 331 F.3d 1122 (9th Cir.
25 2003). The proposed order also contains an elaborate procedure for filing documents
26 under seal. (ECF 134-1 ¶¶ 14-16). There is a "strong presumption in favor of access" to
27 documents filed with the court. *Id.* at 1135. In order for the court to issue a protective
28 order, a party must demonstrate "good cause" and "a party asserting good cause bears the

1 burden, for each particular document it seeks to protect, of showing that specific
2 prejudice or harm will result if no protective order is granted." *Id.* at 1130. As the parties
3 request is for a "blanket" order protecting all information to be designated as
4 "confidential," there has been no particularized showing as to any specific document.
5 Accordingly,

6 **IT IS HEREBY ORDERED:**

7 1. The Motion for Expedited Hearing (ECF 136) is **GRANTED**.

8 2. The Joint Motion to Approve Stipulated Protective Order (ECF 134) is
9 **DENIED**. The denial of court participation in the agreement between the parties does
10 not affect the validity of the agreement between the parties concerning confidential
11 information exchanged during pretrial discovery, nor does this Order limit a party's
12 ability to request from the court that specific documents which must be filed shall be
13 under seal if good cause is shown.

14 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
15 furnish copies to counsel.

16 **DATED** this 15th day of February 2011.

17 s/ Justin L. Ouackenbush
18 JUSTIN L. QUACKENBUSH
19 SENIOR UNITED STATES DISTRICT JUDGE
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